

**WATER DISTRICT 170
UPPER SALMON WATER DISTRICT
ADVISORY COMMITTEE**

MEETING AGENDA

January 22, 2008

1:30 p.m.

Challis Ranger District Conference Room, Challis

- I. Summary of Water District Activities in 2007
 - Inventory of diversions, Basins 71 & 72
 - Headgate and Measuring Device Order Progress
 - Other activities
- II. Water District Organization/Future
 - Potential Expansion of Water District 170
 - Discuss sub-district questions/status
 - Thompson Creek Update
- III. Annual meeting preparation
 - Discuss proposed resolutions and agenda
- III. Schedule Next Meeting and Adjournment

ROSTER OF ATTENDANCE

WATER DISTRICT NO. 170
UPPER SALMON RIVER
2008 ADVISORY COMMITTEE MEETING

Advisory Committee Meeting
January 22, 2008 1:30 P.M.
Salmon-Challis N.F. Field Office
Challis, ID

NAME	ADDRESS	REPRESENTING
Nick Miller	Boise, ID	IOWR
Jim Hawkins	HC 82 Box 4023 Challis ID 83226	WD 72 F Morgan Creek
Gary Chamberlain	HC 63 Box 1770	Challis Irrigation Co.
W. J. Challis	P.O. Box 1220	72-A
Bob Foster	Salmon ID	IOWR
Bob Kenworthy	Boise, ID	USFS
Alan Henderson	P.O. Box 645 Challis, ID 83226	72-A & B

**Water District 170
Upper Salmon Water District
Advisory Committee Meeting
January 22, 2008
Salmon-Challis National Forest Office, Challis**

Chairman Gary Chamberlain convened the meeting at 1:45 p.m.

Nick Miller, WD170 Watermaster, gave an overview of the status of inventory work in Basins 71 and 72, as well as an update on progress of implementation of the measurement and control order. Both updates are summarized in the attached report.

Potential issues associated with measurement and reporting in WD170 were discussed. Primary to these issues is that some users may hold misconceptions about their water rights that may come to light when measurement and reporting commence. Examples of the potential issues include the following:

1. Entitlement of high flows. Some users may believe they are entitled to use spring run-off in excess of their water rights.
2. Flow rates and combined limits. Some users may believe flow agreements with IDFG represent their water rights. In many cases, water rights may be more restrictive due to combined limits and other water right conditions.
3. Historical practices versus decreed water rights. Some users may find that their water rights do not authorize the historical usage.
4. Forfeiture. With the onset of record keeping, rights that go unused for 5 or more years may face potential forfeiture.

A discussion was had concerning how these issues may be addressed by the water users. In the event that the decreed rights do not provide sufficient water, a user may apply for a new appropriation or may petition the SRBA court to set aside the partial decree and reconsider a water right that the user feels was recommended incorrectly. A petition to the SRBA court is not likely to be accepted, and application for a new appropriation runs a risk of objection, and may impact the subordination amounts allowed under the Wild & Scenic Agreement.

Mr. Miller described how the expansion of WD170 to include Administrative Basins 73-75, as well as the future organization of subdistricts within WD170 is somewhat dependant on the outcome of the Thompson Creek suit. Although a hearing was held in mid November, no decision has yet been issued by the District Court. Consequently, little is certain with regard to the expansion and organization of WD170 at this time.

Mr. Miller presented a list of proposed resolutions for the 2008 annual meeting. However, the Advisory Committee indicated the proposed resolutions were not necessary since the intent is that resolutions passed in 2007 and 2006 are not annual, but perpetual until altered. Tim Luke of IDWR questioned whether this is allowed under the statutes and suggested they contact the Deputy Attorney General's office to find out. Mr. Challis

indicated he had spoken with Jim Stanton regarding this issue and Mr. Stanton had confirmed (based on a conversation with the AG's office) that a resolution may be written to apply annually or perpetually.

Gary Chamberlain initiated a discussion on whether the annual meeting should be held in January or March. Since the 2007 resolution set the meeting date in January, that date will stand unless a motion is made to modify the date. Mr. Chamberlain indicated he will raise the issue at the annual meeting and ask the users to move to alter that resolution if they wanted to.

Mr. Challis asked that the minutes to the advisory committee meeting be sent to the committee members following the meeting. Mr. Miller noted the minutes have been posted on the WD170 web page, but that they will be sent to the members as well.

Bob Kenworthy briefed the committee on the number of special use applications the USFS has received: 6 received and 2 pending for diversions in Basin 71, and 2 received for diversions in Basin 72.

A meeting of the WD170 advisory committee was scheduled for 1:30 p.m. on the day of the next annual meeting, and will be held at the Salmon-Challis NF conference room.

The meeting adjourned at 2:45 p.m.

Upper Salmon Water District No. 170

ADOPTED RESOLUTIONS

RESOLUTION REGARDING DISTRICT BYLAWS (Adopted 2007)

The Idaho Department of Water Resources (IDWR) Watermaster Handbook and related Idaho Statutes (both as may be duly amended from time to time) and Resolutions as duly approved by the water right owners of the District shall serve as the Upper Salmon Water District No. 170 Bylaws.

RESOLUTION OF OFFICER AUTHORITY (Adopted 2007)

Upon being duly elected by water right owner majority vote at their Annual Meeting the Secretary/Treasurer shall, until replaced by subsequent majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, have full authority to sign on behalf of the District including, but not limited to, the District bank account(s). The Chairman and Watermaster shall also have alternate signature authority for the District bank account(s).

RESOLUTION OF DISTRICT PAYMENT TERMS (Adopted 2007)

1. Annual Adopted Budget payment shall be payable on or before March 1; any other billing within thirty (30) days following such billing; the postmark date will be considered the date of payment.
2. If not paid by April 1st the water user shall be charged in accordance with Statute 42-613 which provides for a Late fee of 10% of the amount due and interest of 1% per month.
3. If not paid in full (partial payments shall not be acceptable) including Late Fee by April 1st, Treasurer shall so inform the Watermaster who shall immediately terminate water delivery to the water right owner who is in payment default.
4. Treasurer must thereafter receive the original invoice amount, Late Fee(s) plus a \$25.00 Watermaster Service Fee before Treasurer shall advise the Watermaster who shall then again deliver the applicable right(s).
5. A returned or insufficient fund check shall require the Treasurer to so advise the Watermaster who shall immediately terminate the appropriate water delivery. All monies originally due plus applicable bank charges and any charges then resulting from unmet District payment terms must be paid in cash, cashier's check or money order before Treasurer shall so advise the Watermaster who shall then deliver the appropriate water right(s).
6. In the event payment in full is not received by the end of the then current irrigation season (or sooner if the Treasurer determines sale of the property and associated water right[s] is imminent), the Treasurer may, on behalf of the District, initiate legal action in Small Claims Court against the water right owner(s). Eventual recovery is to include costs incurred by such action as well as all other monies due.

Note: When a water delivery termination is imminent and there are others utilizing the same diversion that could be affected, those others affected shall, whenever possible, be advised of said delivery termination as soon as possible after the problem arises so they shall have the opportunity, if they so desire, to deal with the matter as they may deem appropriate before water delivery is reduced by the amount covered by the applicable right(s) being terminated

RESOLUTION REGARDING MINIMUM USER FEE (Adopted 2007)

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that the Minimum User Fee shall be \$50.00 per water right owner in accordance with the maximum amount allowed by Idaho Statute.

RESOLUTION REGARDING WATER RIGHT OWNERSHIP BY MULTIPLE PARTIES (Adopted 2007)

Any water right(s) owned by more than one individual (or married couple) shall declare a single individual (or married couple) who shall represent all other owner's interests and be the primary contact with the District on relevant District issues.

RESOLUTION REGARDING PROXY VOTING & SUBORDINATED WATER RIGHT(S) (Adopted 2007)

1. In accordance with District Bylaws proxy votes shall not be allowed "except that in the absence of the owner a right may be voted by another person present who has the use of the right for the ensuing season, such as a tenant, lesser or contract purchaser".
2. In such case(s) or whenever a right is subordinated and/or "worked" by anyone other than the owner a form adopted and provided by the District shall be completed and returned to the Secretary/Treasurer to remain on file throughout the term stating with whom such agreement exists, whether such voting right is granted, and/or granting authority to represent the water right owner on any other water issues that may arise during the irrigation season or balance of the agreement term to be recorded by water right owner with the County Recorder of jurisdiction.

RESOLUTION OF ANNUAL MEETING DATE(Adopted 2007)

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that the Water district 170 Annual Meeting shall be the fourth (4th) Tuesday in January on a date, time and place to be determined at the Annual Meeting each successive year.

RESOLUTION OF OFFICER'S ELECTION (Adopted 2007)

Until changed by subsequent Resolution or otherwise altered by majority vote of the water right owners in their Annual Meeting or special meeting called for such purpose, it is herewith resolved that District Officers shall be elected at the end of each Annual Meeting allowing incumbents to conduct the entire meeting and Agenda business prior to any potential change(s).

RESOLUTION REGARDING 2007 WATERMASTER (Superceded by 2008 resolution No. 2)

IDWR shall be elected to provide the Watermaster and Secretary/Treasurer services for the USWD and that the Director name and appoint Department employees to serve for the ensuing year at no expense to the USWD.

RESOLUTION REGARDING ADVISING COMMITTEE STRUCTURE (Adopted 2007)

An Advisory Committee shall be elected to provide input to the watermaster and the Director of IDWR. The advisory committee for the ensuing year shall be comprised as follows:

(to be selected at each annual meeting, 2006 members are shown for reference)- All 2006 members were re-appointed in 2007 and 2008

Basin 71 irrigation representative(s) (3)

Pat Brady

Mark Henslee

Jay Neider

Basin 72 sub-districts, one each (3 total)

Garden Creek – Alan Henderson

Challis Creek – Jack Challis

Morgan Creek – Jim Hawkins

Basin 72 non sub-district area irrigation (2)

Gary Chamberlain

Mike Cutler

Basin 71 & 72 commercial/industrial/municipal/other uses (3)

Bert Doughty, Thompson Creek Mine

City of Challis

US Forest Service (1)

To be appointed by the agency

US Bureau of Land Management (1)

To be appointed by the agency

Non-Voting members from Basins 73-75

Advisory committee will ask for representatives from those basins.

Seats may be added to or subtracted from the Advisory Committee in subsequent years depending on further revisions or expansions of the district boundaries to be determined as necessary. Each group represented may also select an alternate for each seat. Candidates will be voted on at caucus during the annual meeting. The advisory committee will meet as often as needed to address the structure, governance and operation of the district. Decisions or recommendations of the Advisory Committee must be made with a minimum of two-thirds of the members in attendance and a majority of those Advisory Committee members present in favor.

2008 Adopted Resolution Additions/Modifications

THE WATER USERS OF THE UPPER SALMON WATER DISTRICT, DESIGNATED AS WATER DISTRICT NO. 170, MEETING AT THE ANNUAL DISTRICT MEETING ON JANUARY 22, 2008, AT THE CHALLIS COURT HOUSE IN CHALLIS, IDAHO, HEREBY PROPOSE THE FOLLOWING RESOLUTIONS TO REMAIN IN EFFECT UNTIL MODIFIED OR AMMENDED IN FUTURE WD170 ANNUAL OR SPECIAL MEETINGS:

1. The USWD Watermaster's term of service shall begin upon annual meeting election and continue until the next annual meeting.
2. Watermaster services for the USWD shall continue to be provided by IDWR in 2008, and that the Director name or appoint a Department employee to serve as the USWD Watermaster for 2008 at no expense to the USWD.

OVERVIEW

This report provides an overview of the activities and developments of Water District No. 170, Upper Salmon River (WD170) from March 2007 through January 2008.

WD170 was created by an IDWR order issued on March 6, 2006 and a final, amended order dated April 06, 2006. Under these orders, WD170 comprises all surface and ground water rights within IDWR Administrative Basins 71 and 72, with the exception of small rights used solely for domestic and stockwater purposes¹. Water rights within existing water districts (Water District No. 72-A, Challis and Garden Creeks, and Water District 72-F, Morgan Creek) are now within WD170, and the existing water districts have been designated as sub-districts within WD170, so the day-to-day administration of those water rights is unchanged.

Aside from the two existing water districts in Basin 72, little formal water administration has taken place in Basins 71 and 72 prior to the creation of WD170. Few of the diversion works are equipped with measuring devices and users are unfamiliar with water districts and water right administration. As such, the new water district is being brought into operation through a series of steps and has not yet become fully functional. The table below shows the intended progression of the district formation.

Time period	Activities
Spring 2006	<ul style="list-style-type: none">• Create WD170 in Basins 71 and 72
Summer/Fall 2006	<ul style="list-style-type: none">• Field Inventory focused in Basin 71
Winter 2006	<ul style="list-style-type: none">• Issue Order requiring measurement and control in WD170
Spring 2007	<ul style="list-style-type: none">• Basin 71 plans for compliance with measurement and control due to IDWR
Summer/Fall/Winter 2007	<ul style="list-style-type: none">• Inventory work in Basin 72,• Working with Basin 71 users on measurement and control
Spring 2008	<ul style="list-style-type: none">• Basin 72 plans for compliance with measurement and control due to IDWR• Installation of measurement and control in Basin 71 required by start of the irrigation season
Summer 2008	<ul style="list-style-type: none">• Begin measurement and reporting of diversions in Basin 71 and more active administration where necessary. IDWR to provide on-the-ground support• Working with Basin 72 users on measurement and control
Spring 2009	<ul style="list-style-type: none">• Installation of measurement and control in Basin 72 required by start of the irrigation season• Likely begin adopting a budget to fund local on-the-ground support for WD170, but IDWR may still provide WM services
Summer 2009	<ul style="list-style-type: none">• Begin measurement and reporting of diversions in Basin 72 and more active administration where necessary.• Local, user-funded district employee(s) to provide on-the-ground support
Future	<ul style="list-style-type: none">• Formation of additional sub-districts as necessary• Possible inclusion of Basins 73, 74, and 75 into WD170

¹ Small domestic and stockwater rights are those rights meeting the definitions of Idaho Code 42-111 and/or 42-1401A(11).

2007 ACTIVITIES

DIVERSION INVENTORY

Much of the 2007 season was spent conducting an inventory of diversions in WD170. Although much of the work had been completed in 2005 and 2006, most of that inventory work was performed in Basin 71. The table below summarizes the inventory work conducted in WD170 to date. Note that the inventory work is focused on larger diversions (those that may require measurement and control per the February, 2007 IDWR order), and the numbers in the tables below reflect only those diversions.

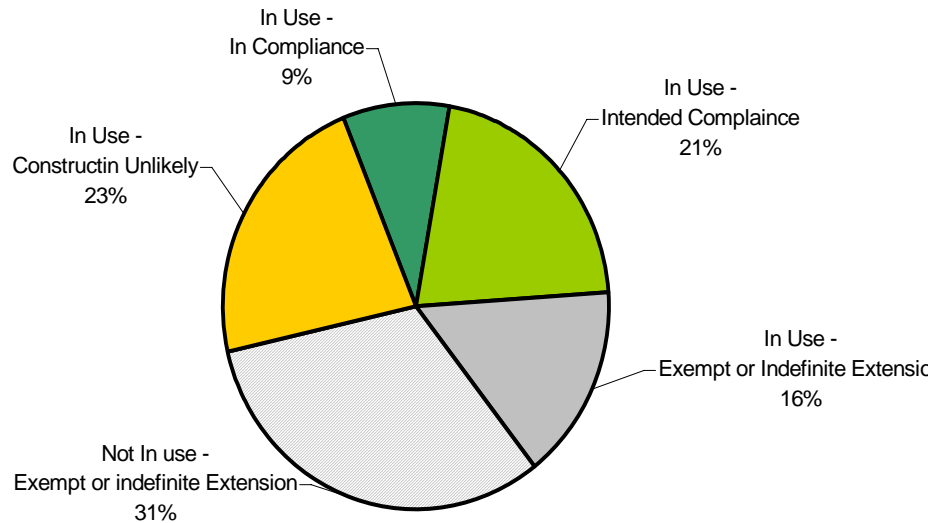
Inventory Status	Number of Locations	
	Basin 71	Basin 72
Complete	126	131
Incomplete	7	154
Not Planned	9	56
Postponed	18	152
Total Diversions	160	493

In the table above, “Incomplete” status indicates the location is expected to be inventoried, but has not been visited yet. The category “Not Planned” includes all locations that were listed on the order, but have been found to not require measurement and control, or were found to be redundant, etc. The “Postponed” category includes locations in existing subdistricts, locations associated with permits that have not been developed, and locations for which other circumstances render the location a lower priority for inventory.

MEASUREMENT AND CONTROL IN BASIN 71

The February 20, 2007 IDWR requiring measurement and control in WD170 requires that diversions in Basin 71 be in compliance by the start of the 2008 irrigation season. The chart below summarizes the current status of the 160 points of diversion in Basin 71 for which measurement and control are required. Diversions in Basin 72 are not required to submit plans until June of 2008 and do not need to comply until the start of the 2009 irrigation season, so this report only discusses the Basin 71 status.

Basin 71 2008 Compliance Status



About 31% of the water right points of diversion are not in use. These points of diversion are locations for which the water rights are in the Water Supply Bank, or they are legal points of diversion that were included on a permit, but were never developed, or they are points of diversion that are simply not being used. These points of diversion were generally issued an extension of time to comply with the measuring device requirements. The extension allows the user to not install measurement and control at the location until the location is used again. About 16% of the 160 points of diversion are in use, but were issued an exemption or extension of time to comply for various reasons, such as pending fish screen installation, pending water right changes, etc. The remaining 53% are locations that are actively being used to divert water and have already installed compliant structures (9%), have submitted plans and intend to install the structures in the spring (21%), or are otherwise not likely to have structures in place by spring (23%). The last group includes a relatively small number of water right owners that divert from a large number of locations on a few tributary streams. The majority of these users are in contact with IDWR and some have submitted plans, but a variety of circumstances contribute to the probability that these locations may not have measuring devices (most already have controlling works) installed by the start of the 2008 irrigation season. Although a formal extension of time for compliance has not been issued, most of the owners have been in contact with IDWR and the Watermaster, so it is unlikely that the Watermaster or IDWR will pursue enforcement actions immediately for most of the users in this group.

MISC. FLOW MEASUREMENTS

Although the district is not fully functional, several flow measurements were performed on a number of diversions throughout the 2007 season. These measurements are summarized in the table below.

Diversion Name	Date	Method	Flow Rate (cfs)	Gage Height (ft)*	Comments
EC1	12-Jul-07	FlowTracker	3.59	NR	
EC1	17-Jul-07	FlowTracker	3.68	NR	
EC2	12-Jul-07	FlowTracker	1.70	NR	
EC2	17-Jul-07	FlowTracker	1.44	NR	
FJC1	02-Aug-07	Installed Flume	7.0	DR	
FJC2	02-Aug-07	Installed Flume	0.5	DR	
FJC3	02-Aug-07	FlowTracker	4.34	NR	
GC1	23-Aug-07	FlowTracker	0.30	NR	Value was calculated by taking measurements above and downstream of the diversion.
GC2	23-Aug-07	Observation	0	NR	
GC2A	23-Aug-07	FlowTracker	1.58	NR	
GC3A	23-Aug-07	FlowTracker	0.3	NR	
GC4	23-Aug-07	FlowTracker	0.99	NR	
GC5	23-Aug-07	Observation	0	NR	
GC7A	23-Aug-07	FlowTracker	1.17	NR	
GC7B	19-Jun-07	FlowTracker	0.98	NR	
GC7B	23-Aug-07	FlowTracker	0.77	NR	
GC8	19-Jun-07	FlowTracker	3.1	NR	
GC8	23-Aug-07	Visual estimate	0.6	NR	Estimated as one-half the flow of GC9 at the same time
GC9	19-Jun-07	FlowTracker	4.6	NR	
GC9	23-Aug-07	FlowTracker	1.3	NR	
IC0	18-Jul-07	Observation	0	NR	
IC0A	18-Jul-07	Observation	0	NR	
IC0B	18-Jul-07	Observation	0	NR	
IC1	18-Jul-07	Observation	0	NR	
IC2	18-Jul-07	FlowTracker	2.16	NR	
IC4	18-Jul-07	FlowTracker	3.32	NR	Below fish screen but above split
IC6	18-Jul-07	FlowTracker	0.175	NR	
MC1	19-Jul-07	Observation	0	NR	
MC2A	19-Jul-07	FlowTracker	1.7	NR	
MC2B	19-Jul-07	Observation	0	NR	
MC3	19-Jul-07	Observation	0	NR	
S40	13-Jul-07	Installed Flume	21.4	1.31	
SLC1	13-Jul-07	FlowTracker	1.38	0.37	
SLC1	13-Jul-07	FlowTracker	1.87	0.44	
SLC1	13-Jul-07	FlowTracker	2.51	0.53	
SLC1	13-Jul-07	FlowTracker	2.53	0.54	
SLC1	18-Jul-07	FlowTracker	2.50	0.55	
VC1	20-Jul-07	FlowTracker	10.40	NR	Approx 20ft downstream in VC1 from headgate - Above Fish Screen
VC1	20-Jul-07	FlowTracker	5.98	NR	Approx 35 ft below fish screen
VC1(PIVA)	13-Jul-07	FlowTracker	3.00	NR	Measured at Piva/Sylva split
VC1 (SYLVA)	13-Jul-07	FlowTracker	2.77	NR	Measured at Piva/Sylva split

(Table continued on next page)

(Table continued from previous page)

Diversion Name	Date	Method	Flow Rate (cfs)	Gage Height (ft)*	Comments
VC3	17-Jul-07	FlowTracker	4.48	NR	
VC4	17-Jul-07	FlowTracker	1.91	NR	Measured above fish screen
VC5/6	21-Jun-07	FlowTracker	5.7	NR	
VC5/6	20-Jul-07	FlowTracker	7.26	NR	

*NR – no reading because no staff gage is installed and no reference is defined.

*DR – direct read staff gage.

PUBLISHED STREAM GAGE READINGS

Several stream gauging stations are present within WD170. The stations are maintained by either the United States Geological Survey (USGS) or Idaho Power (IP). Both organizations publish daily stream flow data on the Internet. Daily stream flow data for each of the gauging stations are included as appendices to the water distribution report.

EXPENSES

At this time, IDWR is providing watermaster services at no expense to the WD170 users. As such, WD170 has not needed to adopt a budget and will not need to in 2008. However, the WD170 Advisory Committee asked that the Watermaster provide an accounting of the time and expense associated with watermaster activities. The intent is to use the record of the time spent on district activities to help the users estimate and anticipate the cost they may incur when IDWR no longer provides this service at no cost. The table below summarizes the information requested by the WD170 Advisory Committee for the period from March 13, 2007 (the date of the 2007 WD170 Annual Meeting) through January 1, 2008 (the end of the year).

Note that the expenses shown below represent activities associated with WD170 and may not be a reliable indicator of the amount of time, mileage, or hotel expenses to be expected during future years. Given that the majority of the time spent in WD170 this year was spent on tasks (such as inventory work and implementation of the measurement and control order) that, having been accomplished now, will likely not be necessary during future years.

Description	Hours	Est. Cost	Subtotal
Hours spent traveling and fieldwork	271	\$ 30.00	\$ 8,130.00
Hours spent with office work, meetings, etc	449	\$ 30.00	\$ 13,470.00
Total Hours Spent on 170 Related Activities	720	\$ 30.00	\$ 21,600.00

Description	Nights	Cost	Subtotal
Hotel Costs	18	\$ 60.00	\$ 1,080.00

Mileage	Miles per Trip	Total Miles	Cost per mile	Subtotal
Round trips to WD170 = 12 Trips	250	3000	\$ 0.50	\$ 1,500.00
Estimated mileage in WD170 = 12 Trips	100	1200	\$ 0.50	\$ 600.00
Total Mileage = 12 Trips	350	4200	\$ 0.50	\$ 2,100.00

Total Cost \$ 24,780.00

As an estimate of how this total cost translates into a cost to an individual (if the district had to fund a budget of \$24,780), the total water right diversion rates could be multiplied by the season of use to come up with a maximum volume deliverable by the district. However, given combined limits on diversion rates, a simpler method is to assume irrigation accounts for the bulk of the water delivered and estimate the volume based on the number of irrigated acres. Approximately 36,500 acres are authorized to be irrigated in WD170, and water rights are generally licensed to divert about 1"/acre (0.02 cubic feet per second per acre) or more. So, an estimate of the annual diversion volume for all of WD170 would be on the order of 113,150 24-hr second feet (730 cfs for 155 days), or 226,300 acre feet. WD72-A and 72-F each divert approximately 10,000 24-hr second feet, so an estimate for the rest of WD170 is about 93,000 24-hr second feet.

Given the estimate of annual usage above, and recognizing that the actual use may vary significantly from this estimate, the table below provides examples of the cost per 24-hr second foot to fund a budget of \$24,780.

Example total 24hr-second feet	Budget	Cost per 24hr-second foot
80,000	\$24,780	\$ 0.310
90,000	\$24,780	\$ 0.275
93,000	\$24,780	\$ 0.266
120,000	\$24,780	\$ 0.207
150,000	\$24,780	\$ 0.165